

1 social dealings with Ms. Jaramillo.

2 MR. COLE: I understand, Your Honor. What I was  
3 about to say when I was interrupted by Ms. Polivy was that  
4 the term "loan agreement meetings" that appears in this  
5 transcript has meaning within the context of the transcript  
6 because defined the term in the transcript as referring to  
7 the time period that the meeting at which Mr. Rey and Mr.  
8 Conant reached a loan, reached a loan agreement.

9 I don't have a specific date for that because Mr.  
10 Conant was unable to give me a date for that, other than  
11 it's sometime between '85 and '89.

12 But by asking him whether he had spoken with Ms.  
13 Leticia Jaramillo at any point since before the loan  
14 agreement, and he said he probably had not spoken with her,  
15 I thought that would provide the appropriate time context  
16 for my purposes.

17 JUDGE CHACHKIN: Well, there is nothing wrong with  
18 that question. It's the other question which you are asking  
19 as to the present time.

20 MS. POLIVY: Your Honor.

21 MR. COLE: Understood. I am not looking for  
22 present time.

23 JUDGE CHACHKIN: No, but your questions, your  
24 initial questions dealt with that, and that's what the  
25 objection is.

1 MS. POLIVY: Well, Your Honor, may I ask if Mr.  
2 Cole has a question that he just frame the question. If we  
3 start going back and forth with deposition definitions in  
4 this record we are never going to know what it means. I  
5 think that's confusing for the witness and it's confusing  
6 for the record.

7 JUDGE CHACHKIN: Go ahead, Mr. Cole.

8 MR. COLE: Thank you, Your Honor.

9 BY MR. COLE:

10 Q Mr. Conant, am I correct that Mr. Rey was an  
11 employee of WDZL during the period 1982 to 1984?

12 A Yes, I -- yes.

13 Q And during that same time period you were an  
14 investor in the station?

15 A Yes.

16 Q And your role as investor was as a limited partner  
17 in the licensee entity; is that correct?

18 A Yes.

19 Q Were you involved in the day-to-day management of  
20 the station in any way?

21 A No.

22 Q Is it also true that you didn't supervise Mr. Ray  
23 in his position at the station?

24 A That is true. I was a limited partner. I  
25 exercised no executive duties at all.

1           Q     Besides the fact that Mr. Rey worked for the  
2     station, the broadcast station in which you were an investor  
3     for that period of time, approximately a two-year period  
4     from 1982 to 1984, what other business relationships did you  
5     have with him?

6           A     None.

7           Q     You had never been partners with him in any  
8     business venture?

9           A     That is correct.

10          Q     Did you ever lend him any money?

11          A     No.

12          Q     Did he ever lend you any money?

13          A     No.

14          Q     And as with Ms. Jaramillo, it's true, isn't it,  
15     that at no time have you ever known Mr. Rey's net worth?

16          A     That is correct. I did not know and I do not know  
17     Joe Rey's net worth.

18          Q     Did you ever ask Mr. Rey to provide you with any  
19     documents concerning his financial situation?

20          A     No.

21          Q     Now, turn to page 1 of your declaration, please,  
22     sir.

23                   MS. POLIVY: One?

24                   MR. COLE: Page 1.

25                   MS. POLIVY: Oh, of his declaration. I'm sorry.

1 BY MR. COLE:

2 Q And in the -- it's technically the third paragraph  
3 but it's the first multi-line paragraph that begins, "I have  
4 known Rainbow Broadcasting Company principals."

5 Do you see that paragraph there?

6 A Yes.

7 Q Let me refer you to the next to the last sentence  
8 which reads, "I had already become well acquainted with  
9 his," referring to Mr. Rey, "abilities during the time that  
10 he had worked for Storer Broadcasting Company and made  
11 occasional trips to Chicago."

12 Do you see that language?

13 A Yes.

14 Q Did you transact any business with Mr. Rey when he  
15 worked for Storer Broadcasting Company?

16 A No.

17 Q Is it accurate to say that your acquaintance with  
18 Mr. Rey during that period, that is, when he worked for  
19 Storer Broadcasting Company, amounted to a couple of visits  
20 with him?

21 A Probably.

22 Q What was the basis then, sir, for your statement  
23 in your declaration that you were well acquainted with Mr.  
24 Rey's abilities during the time that he worked for Storer  
25 Broadcasting?

1           A     I had gotten to know Joe and I felt he was a very  
2 competent person, and that he would have been equally  
3 competent while he was working for Storer Broadcasting. And  
4 I also knew him somewhat when he was working for Storer.

5           Q     Well, how did you know he was a competent person?

6           A     That was my impression. He seemed -- he was  
7 articulate. He was bright. He comported himself well. He  
8 came across as an effective, convincing, knowledgeable  
9 executive.

10          Q     And that's the sole basis for your statement that  
11 you had become well acquainted with his abilities while he  
12 worked for Storer Broadcasting; is that correct?

13          A     Well, if it refers -- if you are including in that  
14 time period the time that he worked for WDZL, then that  
15 would not be the sole basis.

16                 There was an additional basis for my confidence in  
17 Mr. Rey because of the performance of WDZL. WDZL did very  
18 well. And Joe had a -- had the -- one of the two or three  
19 key positions there.

20          Q     To the best of your knowledge, did Mr. Rey work at  
21 WDZL in that key position at the same time that he worked  
22 for Storer Broadcasting Company?

23          A     No.

24          Q     The Storer Broadcasting Company predated --

25          A     That's my -- yes.

1 Q -- WDZL; is that correct?

2 A Yes.

3 Q Now, in the last paragraph of your declaration  
4 immediately above your signature you state that you had  
5 confidence in Mr. Rey and Ms. Jaramillo, and that your  
6 confidence was premised upon years of satisfactory work  
7 together.

8 Do you see that language?

9 A Yes.

10 Q What satisfactory work were you referring to when  
11 you used that language?

12 A I -- the performance at WDZL.

13 Q And that was in 1982 through 1984?

14 A Yes.

15 Q Or more correctly, some time in 1982 through some  
16 time in 1984; is that accurate?

17 A Yes, and the years should have had the apostrophe  
18 after the "s" rather than preceding the "s" because it  
19 should have been plural. That's a typo that I missed.

20 Q Duly noted and logged, Mr. Conant.

21 A I beg your pardon?

22 Q Duly noted and logged.

23 A Oh, okay.

24 Q So going back to the last sentence of your  
25 declaration that does not refer then to Ms. Jaramillo; is

1     that correct?

2           A     Well, I didn't -- no, it include Ms. Jaramillo,  
3     but in a more limited sense because I did not know her as  
4     well. I knew her only somewhat socially.

5           Q     Well, she didn't work at WDZL, did she, Leticia  
6     Jaramillo?

7           A     I think she did do some work there, although I  
8     couldn't -- wouldn't swear to that. I think so. I think  
9     she did -- she wasn't a key employee. I think she  
10    participated to some extent.

11          Q     Go back to page 1 of your declaration, and again  
12    the third full paragraph, the first long paragraph. I refer  
13    you to the last sentence in that which reads, "In --

14          A     Wait, wait, wait.

15                   What does that paragraph being with?

16          Q     It's the paragraph that begins, 'I have known  
17    Rainbow Broadcasting Company for --

18          A     Okay. All right.

19          A     The last sentence of that which reads, "In  
20    addition to my past financial relationship with Rainbow  
21    principals, I also consider them to be personal friends of  
22    longstanding."

23                   Isn't it true, at least from your testimony today,  
24    that you've had no past financial relationship with either  
25    Rainbow principal?

1           A     Yes.

2           Q     Prior to 1996, that is, prior to this year, did  
3 either Mr. Rey or Ms. Jaramillo ever ask you to provide to  
4 Rainbow Broadcasting Company copies of your financial  
5 statements?

6           A     No.

7           Q     Now, on page 2 of your declaration in the second  
8 full paragraph, the paragraph which begins, "The oral  
9 agreement which I had."

10          A     Yes.

11          Q     You describe the loan agreement which you say you  
12 reached with Mr. Rey.

13                 Now, it's true, isn't it, that any agreement you  
14 may have reached with Rainbow as described i this paragraph  
15 was contingent on Rainbow successfully resolving various  
16 litigation proceedings in which Rainbow was involved?

17          A     Yes, I only was willing to finance the station  
18 when they had complete authorization to proceed to go ahead  
19 with the station. I didn't want to get involved in any of  
20 the lawsuits.

21          Q     When you refer to "any of the lawsuits," what are  
22 you referring to?

23          A     Well, there was a dispute as to -- I know there  
24 was a case that came to the Supreme Court, and there was a  
25 dispute with a tower that they had leased, but I was not



1 involved in that. I knew about it, but I wasn't involved in  
2 it, nor did I want to get involved.

3 Q Sir, let me refer you to page 41 of your  
4 deposition at line 16. And you should feel free -- there is  
5 an extended answer here, but you should feel free to read as  
6 much of it as you want to satisfy yourself. But I want to  
7 refer you in particular to your language from line 16  
8 through line 18, which reads, "My readiness to act was after  
9 all the legal problems had been completed so they could  
10 proceed with building the station."

11 Do you see that language?

12 A I do.

13 Q And the legal problems you were referring to there  
14 were the legal problems you just described?

15 A I --

16 MS. POLIVY: I'm sorry, I don't -- could you  
17 clarify the question because I don't know what -- legal  
18 problems he described in the last answer or throughout his  
19 testimony?

20 MR. COLE: That he described in his last answer.

21 THE WITNESS: The legal problems that I referred  
22 to were those that would preclude the beginning of the  
23 operation of the station. I only wanted to finance the  
24 station once they got proper authority to proceed.

25

1 BY MR. COLE:

2 Q You mentioned in your earlier response to a  
3 dispute with a tower.

4 Do you recall mentioning that?

5 A Yes.

6 Q Was it your understanding that that dispute  
7 precluded Rainbow from building?

8 A No, I didn't get involved in -- I knew that there  
9 was a tower dispute, but I did not get involved in the -- in  
10 the conditions of that dispute.

11 Q But was that dispute -- strike that.

12 Was the resolution of that dispute in your mind  
13 necessary for any agreement for you to finance Rainbow for  
14 it to become operative?

15 A Not necessarily.

16 My willingness to finance the station was after  
17 they received full permission to proceed to start the  
18 station.

19 Q Mr. Conant, let me refer you to page 43 of the  
20 testimony transcript, lines 2 to 11, and ask you to review  
21 that and determine if that was your testimony.

22 MS. POLIVY: I'm sorry.

23 What lines?

24 MR. COLE: Page 43, lines 2 through 11.

25 "I recall that there was -- yes, there was a

1       dispute with placing the antenna on a tower that they --  
2       they had reserved for their own station, yes."

3               Question: "Can you tell me what Mr. Rey told you  
4       about that?"

5               Answer: "I don't remember. I can't remember the  
6       details because I wasn't going to proceed until that  
7       disputed had gotten resolved, so it really wasn't a primary  
8       kind of interest of mine."

9               BY MR. COLE:

10            Q       Was that your testimony?

11            A       Yes.

12            Q       Is that accurate testimony?

13            A       Yes, that testimony is what I said.

14            Q       And continuing further on that page, sir, from  
15       your deposition in lines 12 through 19.

16               Question: "Did you tell Mr. Rey you weren't going  
17       to proceed until the dispute had been resolved?"

18               Answer: "I didn't say that, but it was -- I think  
19       it was pretty well understood that -- that I wasn't going to  
20       proceed till they got their construction permit, but I was  
21       wishing, I certainly wished them well, but my course of  
22       action wasn't to take place until the permit was issued."

23               Is that your testimony as well?

24            A       Yes.

25            Q       And also, Mr. Conant, on page 44 and 45 of your

1 deposition transcript, lines 22 to 24 and proceeding over  
2 through line 5 on page 45.

3 Question: "Did he," meaning Mr. Rey, "advise you  
4 that obviously he was making an effort to conclude the  
5 preclude the arrival of Channel 18 in the Orlando market?"

6 Answer: "I don't remember the details of that.  
7 He might have. Eighteen sounds familiar. But once again, I  
8 didn't pay too much attention to the consultations that  
9 preceded my aspect of this deal. I wanted that to be  
10 cleared up and then I would proceed."

11 Is that your testimony, sir?

12 A Yes.

13 Q And page 54 of your deposition transcript,  
14 starting at line 9 and continuing through line 17.

15 Question: "Between the late 1990 meeting between  
16 you and Mr. Rey, the wait and see meeting, and this December  
17 of 1991 meeting, had you learned anything further about the  
18 status of the lawsuit between RBC and its tower?"

19 Answer: "I didn't keep up with that so I can't  
20 say. I don't know what I knew when. It wasn't of primary  
21 interest to me. I was only interested in financing the  
22 station after the garbage was cleaned up."

23 Is that your testimony, sir?

24 A Yes.

25 MS. POLIVY: Mr. Cole, if you are going to read

1 that, I think you have to read the next question and answer  
2 that goes to the same thing, where he makes clear what he  
3 was talking about, which was your question was "Hauled  
4 away?" And the answer was, "Or enough to get a construction  
5 permit" was the answer.

6 MR. COLE: Well, I expect you can ask him that on  
7 redirect.

8 MS. POLIVY: Your Honor, I would -- I would say  
9 that if Mr. Cole is going to start reading through the  
10 deposition as part of his cross-examination he has an  
11 obligation not for us to wait until redirect rather than get  
12 the --

13 JUDGE CHACHKIN: If it is something relevant to  
14 what the subject matter is, you can read it into the record,  
15 Ms. Polivy.

16 MS. POLIVY: Okay.

17 JUDGE CHACHKIN: Read it in the record right now  
18 if you want.

19 MS. POLIVY: I just did, Your Honor.

20 JUDGE CHACHKIN: Oh, all right.

21 BY MR. COLE:

22 Q Mr. Conant, in the paragraph on -- I'm sorry, page  
23 1 of your declaration, the paragraph beginning, "Joe Rey  
24 came to my office." And as I read this, sometime in the  
25 summer of 1991 you and Mr. Rey met in your office, and now I

1 am going to quote from a sentence which appears about two-  
2 thirds of the way into that paragraph, "Joe indicated that  
3 conditions in the Orlando television market had improved  
4 economically, and because the market was to be metered by  
5 the Nielson Company, an extremely important advantage for a  
6 new independent television station."

7 Do you see that language?

8 A Yes.

9 Q What is your best recollection of precisely when  
10 that meeting occurred, the summer of 1991 meeting?

11 A I don't remember any -- the precise date.

12 Q Can you give me a month?

13 A No.

14 Q But it was definitely in the summer of 1991?

15 A I believe it was.

16 Q Do you recall what Mr. Rey told you about the  
17 prospects for Nielson metering in the Orlando market?

18 A Yes. He felt that when Nielson installed meters  
19 it was favorable to an independent because the -- it would  
20 prove a more accurate indication of audience than when  
21 people merely fill out the written forms as to what stations  
22 they were listening to.

23 Q Did Mr. Rey tell you when the meters were going to  
24 be installed?

25 A I don't recall that he mentioned the precise date,

1 but he did mention that it was in the plan for Nielson to  
2 install meters.

3 Q Did he tell you how he knew that?

4 A I don't recall.

5 Q Sir, your declaration, page 1, the paragraph  
6 beginning, "In late 1992."

7 A Yes.

8 Q You indicate in the second sentence that in late  
9 1992 you agreed that they, meaning Rainbow Broadcasting  
10 Company, would enlist limited partners to provide the  
11 financing to put the station on the air.

12 Do you see that?

13 A Yes.

14 Q Was it your understanding as of that meeting in  
15 late 1992 that no limited partners had yet been enlisted to  
16 provide financing to RBC?

17 A I didn't know whether they had gotten any limited  
18 partners or not.

19 Q But, in any event, you agreed, as I understand  
20 your declaration, particularly in the next to the last  
21 paragraph on page 2, beginning "In 1991," in any event, you  
22 agreed to provide a form of bridge financing.

23 A Yes.

24 Q So that, and correct me if I am wrong, am I  
25 correct that that bridge financing would provide that even

1 if RBC ultimately relied on limited partnership funding,  
2 that you would -- I'm sorry. Take that back. Strike that  
3 question. Withdraw that question.

4 Now, your statement, I'm sorry, the paragraph in  
5 page 2 of your declaration beginning, "In 1991, when Joe Rey  
6 told me," as I understand the description of what I am  
7 referring to now as your bridge financing understanding with  
8 Mr. Rey, indicates -- your agreement with respect to such  
9 financing was reached in 1991.

10 Am I understanding that paragraph correctly?

11 A Yes.

12 Q The description in that paragraph, that is, the  
13 meeting 1991 with Joseph Rey, there is a description of the  
14 terms of your willingness to provide that kind of bridge  
15 financing to RBC reflect all the terms and contingencies  
16 that were associated with your willingness in that regard?

17 A The description in my declaration refers to the  
18 agreement that I had with Joe Rey to finance the station.  
19 The bridge loan, if I was called upon to make it, would  
20 involve, yes, essentially the same terms, and then I would  
21 get a 10 percent equity in the company after all the limited  
22 partners had completed their investments.

23 Q So is it correct to say that one way or another  
24 you were willing to provide the financing to RBC regardless  
25 of whether any limited partnership was formed? But if one



1 was formed, you would be willing to get repaid and step  
2 aside?

3 A Yes.

4 Q During your testimony under direct examination  
5 from Mr. Eisen this afternoon you explained why you wanted  
6 personal guarantees of Ms. Jaramillo and Mr. Rey.

7 Do you recall that testimony?

8 A Yes.

9 Q And as I -- I am not trying to mischaracterize it  
10 but according to my notes your interest was assuring that  
11 they were sincere and serious about the arrangement.

12 A That they had faith in the project, yes.

13 Q Did you impress that upon Mr. Rey and Ms.  
14 Jaramillo that that was your understanding of why you were  
15 asking for their personal guarantees?

16 A I don't think I impressed it on them. I presume  
17 that he would understand why I wanted that.

18 Q Did you ever personally ask Ms. Jaramillo for her  
19 personal guarantee?

20 A No.

21 Q Did she ever personally give it to you?

22 A No. I just spoke with Joe Rey about that. He  
23 said she was willing.

24 MR. COLE: I have no further questions, Your  
25 Honor.

1 JUDGE CHACHKIN: All right. Mr. Silberman or Mr.

2 Block?

3 MR. SILBERMAN: Mr. Block will cross-examine.

4 JUDGE CHACHKIN: Mr. Block.

5 CROSS-EXAMINATION

6 BY MR. BLOCK:

7 Q Good afternoon, Mr. Conant?

8 A Good afternoon, Mr. Block.

9 Q Nice to see you again.

10 Your testimony today was that the -- if I  
11 understand you correctly -- that you were willing to put  
12 your loan agreement into effect when Rainbow had complete  
13 authorization to build the station; is that correct?

14 A Right.

15 Q Did there ever come a time when Mr. Rey told you  
16 that Rainbow had complete authorization to build the  
17 station?

18 A Yes.

19 Q When was that?

20 A I don't recall, but it was at a time when he had  
21 decided to -- not to utilize the money that I was going to  
22 lend the station, but instead get equity investors.

23 Q That would have been in 1993, probably?

24 A I don't remember when it was.

25 Q It would have been after the tower litigation was

1 resolved?

2 MS. POLIVY: I am going to object. You are not  
3 refreshing the witness's memory. You are testifying. He  
4 said he doesn't recall.

5 JUDGE CHACHKIN: Well, he has a right to try to  
6 refresh his recollection by referring to events. I will  
7 overrule the objection.

8 THE WITNESS: I don't remember.

9 MR. BLOCK: May I approach the witness?

10 JUDGE CHACHKIN: Yes.

11 MS. POLIVY: Mr. Block, what are you showing the  
12 witness?

13 MR. SILBERMAN: Exhibit 7 and 8 that has been  
14 admitted into evidence.

15 MS. POLIVY: Exhibit 7 --

16 MR. EISEN: Page 2?

17 MR. BLOCK: I am showing the witness page 2 of  
18 Rainbow Exhibit No. 7, which is a letter from Joseph Rey to  
19 Mr. Richard Edwards, and which has a date here of August 10,  
20 1990, Mr. Conant.

21 THE WITNESS: Yes.

22 BY MR. BLOCK:

23 Q Would you read the first sentence into the record,  
24 please?

25 MS. POLIVY: Well, Your Honor. I think he has to

1 lay a foundation for this saying has the witness ever seen  
2 this letter, is he familiar with the letter? The letter is  
3 in the record. He doesn't need this witness to read it into  
4 the record.

5 JUDGE CHACHKIN: All right, there is no need for  
6 the witness to read it.

7 MR. BLOCK: Read it to yourself then, Mr. Conant.

8 JUDGE CHACHKIN: Just read it to yourself.

9 BY MR. BLOCK:

10 Q My focus is on the first sentence. You can read  
11 the whole document though if you care to.

12 A You want me to read the first sentence, because I  
13 have never seen this letter before. I don't know anything  
14 about this.

15 Q In the time period around August 1990, Mr. Rey did  
16 not come to you to tell you that in his opinion Rainbow had  
17 a clear path to construct the facility and was anxious to  
18 proceed?

19 A I don't recall exactly when Joe may have spoken to  
20 me. He spoke to me a number of times, and he was always  
21 anxious to proceed to build the station. So there is  
22 nothing new here. He was eager to get the station on the  
23 air.

24 Q Well, you were waiting for an event to occur to  
25 have a clear path to construct; is that correct?

1 A Yes.

2 Q And sometime after August 1990, Mr. Rey came to  
3 talk to you about the tower litigation; is that correct, in  
4 the fall of 1990?

5 A I don't recall the time that I -- that Joe Rey may  
6 have talked to me about tower litigation, but if he did talk  
7 to me about tower litigation it was rather incidental. He  
8 was -- if it caused a delay to the authorization to proceed  
9 with the station, that was his intent.

10 Q Your statement then in the paragraph that begins,  
11 "Joe Rey came --

12 A Oh, can you tell me where --

13 Q Well, counting from the --

14 A Are you referring now to my declaration?

15 Q The first page of the declaration, the one, two,  
16 three, four, fifth paragraph, "Joe Rey came to my office."

17 Do you see that?

18 A Yes.

19 Q "... in late 1990, to discuss Rainbow's progress."

20

21 That was the discussion about the problems he saw  
22 in the late 1990 time period, correct?

23 A Yes.

24 Q And he mentioned the tower litigation as one of  
25 the factors that led him to worry about the future of

1 Rainbow?

2 A Yes, that's right.

3 Q And you said you wanted to take a "wait and see"  
4 attitude; is that correct? That's the words you used later  
5 on in the paragraph.

6 A If I said it, it's correct, yes.

7 Q What did you mean by a "wait and see" attitude?

8 A Well, Joe, in the 1990 meeting, I think was a  
9 little disappointed with the prospect of litigation. He  
10 didn't like the idea of having a delay to the beginning of  
11 the operation of the station.

12 He also didn't like the idea that there might be  
13 six stations instead of five. I felt that it was  
14 appropriate to wait and see what develops because I wasn't  
15 as negative as he was, and I thought that, number one, that  
16 the television broadcasting business probably would improve,  
17 and that having six stations in a given area is not as good  
18 as having five, but it didn't sound like it was such a  
19 serious negative to me.

20 Q How would six stations versus five stations have  
21 affected the loan agreement that you had --

22 A It wouldn't have.

23 Q Would it have made it less profitable, the station  
24 less profitable?

25 A Oh, I guess any time you get an additional

1 competitor it becomes a little more of a strain to make as  
2 much money. Ideally, it would be great if there were only  
3 one station in an area if you owned that station. But I  
4 didn't -- I wasn't too upset about that.

5 Q Your "wait and see" attitude was wait to see how  
6 the litigation comes out?

7 A That and let's see what developments occur in  
8 terms of broadcasting business itself, which is --

9 Q And until that occurred everything was going to be  
10 put on hold; is that correct?

11 MS. POLIVY: Objection, Your Honor. That wasn't  
12 his testimony.

13 MR. BLOCK: I'm asking a question.

14 THE WITNESS: No.

15 MS. POLIVY: Okay, I will withdraw.

16 JUDGE CHACHKIN: Overruled.

17 BY MR. BLOCK:

18 Q Were those your --

19 A No, I was -- I reiterate that I was always ready  
20 to finance that statement when I was told that they had the  
21 full authority to proceed to build it.

22 Q But until the litigation was resolved you and Joe  
23 agreed to put the loan on hold and wait and see what  
24 happens?

25 A If --

1 MS. POLIVY: Objection to the form of the  
2 question. If by the litigation you mean the tower  
3 litigation, I think you ought to say it.

4 JUDGE CHACHKIN: Well, I think the witness  
5 understand what litigation we're talking about. Overruled.  
6 Go ahead, you can answer.

7 THE WITNESS: If the litigation was such that it  
8 impaired the award of the construction permit or the final  
9 authority to build the station, yes. Then I reiterated my  
10 position that I would finance that station, but once again  
11 as I have said before, when the station was cleared to be  
12 constructed legally.

13 VOIR DIRE EXAMINATION

14 JUDGE CHACHKIN: But you make the statement in  
15 your declaration, this is your words, "I was concerned about  
16 the problems that he raised, and particularly about the  
17 prospect of another market television station."

18 Now you are testifying that it was no concern of  
19 yours.

20 How does that -- how can you reconcile that with  
21 your statement in your declaration that it was serious  
22 concern of yours?

23 THE WITNESS: No, I --

24 JUDGE CHACHKIN: Isn't that what you said here, "I  
25 was concerned" particularly about the prospect?



1 THE WITNESS: Where are you --

2 JUDGE CHACHKIN: I am reading from the fifth  
3 paragraph.

4 THE WITNESS: On page 1?

5 JUDGE CHACHKIN: Page 1, yes. About the third or  
6 fourth sentence down.

7 THE WITNESS: Oh, sure. Yeah, I was concerned  
8 about the problems that Joe raised because Joe seemed -- Joe  
9 was concerned, so I reflected his concern.

10 JUDGE CHACHKIN: Well, it says, "I was concerned."

11 THE WITNESS: Yeah.

12 JUDGE CHACHKIN: It doesn't say because Joe raised  
13 it.

14 THE WITNESS: Well, he was my advisor, that's  
15 correct, and I was concerned. But it -- but the fact that I  
16 was concerned did not mean that I thought it was a bad deal.  
17 I felt that it was negative to have an additional station in  
18 the market.

19 JUDGE CHACHKIN: And when you said tell Joe that  
20 I'm talking a wait and see attitude, wasn't that because you  
21 were concerned about another television station in the  
22 market, to see what would happen?

23 THE WITNESS: Well, I was concerned but I guess it  
24 depends upon what you read into the term "concern." I did  
25 not think it was a major obstacle. It was a concern, but